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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. MJ 12-203
11 Plaintiff,)
12 v.)
13 BERNARD AMIN MUSTAFA III,)
14 Defendant.)
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14 Offense charged: Conspiracy to Distribute Fentanyl, Possession with Intent to Distribute
15 Fentanyl, Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Felon in
16 Possession

17 Date of Detention Hearing: April 30, 2012.

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
19 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
20 that no condition or combination of conditions which defendant can meet will reasonably
21 assure the appearance of defendant as required and the safety of other persons and the
22 community.

01 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

02 1. Defendant has been charged with a drug offense, the maximum penalty of which
03 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to
04 both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

05 2. Defendant, a convicted felon, was found with what the AUSA describes as “a
06 small arsenal” at the time of arrest, including a Rifle inserted into a tripod stand pointed out the
07 window toward the street, a .40 caliber pistol found in the living room next to a couch, and a
08 .308 caliber Remington found next to a large safe, as well as a bulletproof est. The AUSA
09 alleges that defendant’s self-employed business is a sham, and that he has been engaged in
10 structuring transactions resulting from the sale of Fentanyl. The AUSA argues that defendant
11 does not have legitimate employment and proffers that defendant was not honest with Pretrial
12 Services in failing to disclose \$340,000 in cash, an access card with \$9,000, and other
13 investments made with cash. Defendant and his girlfriend were recorded in a jail conversation
14 discussing ways to access the funds.

15 3. The AUSA proffers that defendant was in possession of fentanyl with a street
16 value of \$200,000 when arrested, and that his girlfriend should not be considered a reliable
17 source of verification for information relating to times prior to their relationship. One of
18 defendant’s references is also a target of the investigation. Defendant admits to being a
19 frequent user of prescription opiates, as well as various illegal controlled substances. His
20 criminal history includes several failures to appear.

21 4. Taken as a whole, the record does not effectively rebut the presumption that no
22 condition or combination of conditions will reasonably assure the appearance of the defendant

01 as required and the safety of the community.

02 It is therefore ORDERED:

- 03 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
- 04 General for confinement in a correction facility separate, to the extent practicable, from
- 05 persons awaiting or serving sentences or being held in custody pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with
- 07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the
- 09 person in charge of the corrections facility in which defendant is confined shall deliver
- 10 the defendant to a United States Marshal for the purpose of an appearance in connection
- 11 with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
- 13 for the defendant, to the United States Marshal, and to the United State Pretrial Services
- 14 Officer.

15 DATED this 30th day of April, 2012.

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18 Mary Alice Theiler
United States Magistrate Judge